

SECRET 7730097-1199

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DEPARTMENT OF STATE A/CDC/MR
Malcolm Lawrence
 REVIEWED BY _____ DATE *7/15/80*
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 EXEMPTIONS _____

August 22, 1974

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The Honorable
 Birch Bayh
 United States Senate

Dear Senator Bayh:

This letter is in further response to your letter of September 10, 1973, regarding the SAM-D missile system. We regret the delay in replying.

Officials in the Department of State have looked into the questions raised in your letter, and have discussed these matters with representatives of the Department of Defense, the GAO, and your office. With respect to the SAM-D radar and Paragraph D of the Agreed Interpretations to the ABM Treaty, the Department of Defense has addressed that issue in its letters to you of August 31 and September 20, 1973. We have no basis on which to disagree with the points made by the Department of Defense in those responses. The understanding of "mean emitted power" as described by the Department of Defense is consistent with the negotiating record which led to conclusion of the ABM Treaty.

We have no current evidence that the Soviet Union is upgrading its SA-3's or SA-5's to become ABM-capable, thereby violating the ABM Treaty. While we cannot predict future Soviet actions with complete assurance, we are confident that a future Soviet attempt to violate the ABM Treaty would be detected. The Department of Defense has described the role of SAM-D as one of tactical air defense for the Army, and we believe the system should be considered and evaluated on that basis.

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C - Mr. Tellell (draft)
 NSC - Mr. Zimmerman (draft)
 ACDA - Mr. Miller (draft)
 H - 3/1/74
 L/UNA - Mr. Wadsworth
 DOD - Mr. George (para 1)
 INR/RSC - Mr. Finch (draft)
 PM - Mr. Sikes
 PM/DCI - Mr. Baker

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Date: 8/16/74 #29092
 PM/DCI: MS/Kane:bpm

Linwood Holton
 Assistant Secretary for
 Congressional Relations

AC/02

Cordially,

I hope the above information will be helpful to you on this matter.
 With respect to the nuclear option for S&H-D, as you know, the Department of Defense has decided to forgo this contingency in its plans. I understand this will be reflected in its next authorization request to the Congress.

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